

FARMINGTON CITY COUNCIL MEETING

Wednesday, February 18, 2004

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Pro tem Susan T. Holmes, Council Members Richard Dutson, David Hale, Larry W. Haugen, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman. Mayor Connors was excused from the study session due to his attendance at the Council of Governments (COG) meeting.

Mayor Pro tem Holmes began discussion at 6:40 P.M. The following items were reviewed:

Business of Consent (Agenda Item #9) regarding approval of the March *Newsletter*. Ms. Holmes stated that the *Newsletter* had some changes. She distributed the corrected copy to each Council member.

Professional Services Agreement with Frontier Corporation regarding the development of a "Special Area Management Plan" (SAMP) and related wetland environmental studies pertaining to undeveloped properties adjacent to the Park Lane (formerly Burke Lane)/U.S. 89 Interchange (Agenda Item #10). Ms. Holmes stated that she and Mr. Young had attended meetings regarding the SAMP. A report would be given during the regular session.

Consideration of a request from Kim Dunn for schematic plan approval for a subdivision containing 8 dwellings on 4.75 acres located at 275 East 100 North (Agenda Item #4) and Consideration of a request for an exception to dead-end street limitation standards for 100o North Street east of 200 East Street (Agenda Item #5). The City Council briefly discussed the two agenda items including the fact that the developer had been working with neighbors because of their concerns. There may be trail head and parking issues that should be discussed during the regular session. Mr. Forbush stated that a trail corridor would be preserved by agreement.

Closed Session items. Chairman Pro tem Holmes stated there were several items of concern that would need to be covered in a closed session.

Sexually Oriented Businesses and Employee Licensing Ordinance (Agenda Item #11). The agenda item was suggested by former Council Member Ed Johnson, who wanted the ordinance considered as an additional protection for the citizens of Farmington.

Miller Meadows Development Agreement. The item will need to be postponed at the request of the applicant.

Ken and Jackie Hardy request (Agenda Item #7) regarding negotiations over a proposed right of way dedication to the City and the property owners' requested reimbursement.

Flood mitigation priority project review and discussion (Agenda Item #8). The City Manager suggested that the City have contractors bid the projects and then the City Council could consider the amounts needed in detail before making a final decision.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman.

Mayor Connors called the meeting to order at 7:00 P.M. The invocation was offered by **Rick Dutson** and the Pledge of Allegiance was led by **Michael Brown** of Scout Troop 104.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Susan Holmes moved to approve the minutes of the Special City Council Meeting held on January 30 and 31, 2004, with corrections as noted. **Sid Young** seconded the motion. The voting was unanimous in the affirmative.

Larry Haugen moved that the City Council approve minutes for the regular City Council held February 4, 2004, with corrections as noted. **David Hale** seconded the motion, which passed by unanimous vote.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported proceedings of the Planning Commission meeting held February 12, 2004. The meeting included a joint City Council and Planning Commission study session regarding the Rich Haws commercial development in west Farmington. Mr. Petersen reported the following items:

1. The Planning Commission recommended to the City Council that they grant the special exception for the second point of independent access as set forth in Section 12-7-040(4)(c) for the 100 North Street neighborhood (east of 200 East) with specific permission for a maximum number of lots without a stub street or a cul-de-sac (with the exception of the cul-de-sac developed by Kim Dunn) subject to the review and recommendation of the City Attorney prior to consideration of the City Council.
2. A great deal of public interest was stirred by the application for rezone to allow a funeral home on the north end of Main Street. Citizens were very concerned about commercial creep. After a lengthy public hearing, the Planning Commission denied the request for a recommendation to amend the Farmington City General Plan by

redesignating property at 1798 North Main from “Low Density Residential” to “office/Business Park,” and to further consider rezoning the property from “LR-F” to “BP” for purposes of establishing a funeral home. However, the Planning Commission did recommend that the City Council amend Chapter 11 of the Zoning Ordinance to add mortuary use as a line item under conditional use in the LR, R, S, and LS zones. A public hearing during City Council meeting has been set for March 3rd.

3. The Planning Commission denied the conditional use and site plan application to construct a T-Mobile cellular phone tower 60 feet in height on the old Monte Vista Elementary School grounds located at 100 South and 200 East. They felt other, more appropriate sites existed which could provide the necessary coverage for the cellular tower and which would not impact citizens’ views and esthetic values.

PUBLIC HEARING: CONSIDERATION OF A REQUEST FROM KIM DUNN FOR SCHEMATIC PLAN APPROVAL FOR A SUBDIVISION CONTAINING 8 DWELLINGS ON 4.75 ACRES LOCATED AT 275 EAST 100 NORTH (Agenda Item #4)

Mr. Petersen reported that the Planning Commission reviewed a schematic plan for the Kim Dunn subdivision proposal on December 4, 2003. The Commission further encouraged the applicant to meet with the neighborhood to try and resolve issues related to the development. Mr. Dunn had met with local citizens five times since the December 4th meeting. Three alternative plans were presented by the developer whereby the abutting property owners achieved a certain level of comfort with some of the ideas collectively illustrated in plans presented in the packet. The Planning Commission gave a number of conditions to approval as recorded in their letter of January 14, 2004. Mr. Petersen discussed the issues related to the dead end street lot limitation. One issue remains regarding a proposed exception to the dead end street limitation standards outlined in the Subdivision Ordinance. This issue as presented in packet information for agenda item under #5 showed that 100 North Street east of 200 East Street is a dead end street. Section 12-7-040(4)(c)(i) of the Subdivision Ordinance states in part, “Dead end streets shall serve as access for not more than twenty-four (24) residential lots.” The number of residential lots on 100 East Street will increase to 23 if Farmington City approves the Kim Dunn subdivision request (his 8 lot scenario). Two alternatives exist: (1) It is possible for the Brown Family to develop 2 to 3 more residential lots on 100 North without creating a cul-de-sac on their property. There is also enough property and frontage to allow Mrs. Held to develop an additional lot. The number of lots possible under this alternative is 26 to 27. (2) The Brown Family may develop a total of 6 to 7 additional lots if a cul-de-sac or stub street is constructed on their property. Along with the lot that may be developed by Mrs. Held, the total number of lots under this scenario is 30 to 31.

Mr. Petersen reported that the subcommittee, consisting of 100 North Street property owners, two Planning Commissioners, the Fire Chief, and the City Planner met on February 5th had formulated a recommendation. It was decided that an exception was warranted as set forth in Section

12-7-040(4)(c)(iii) allowing the Browns to fully develop their property pending input from other property owners with property in the center of the block (the block bounded by 100 North, 200 East, State Street, and 350 East). The Fire Chief and representatives from the Planning Commission reasoned that it would be a shame if the Brown's developed a cul-de-sac while at the same time cut off the development potential of other property owners on the block, especially since Section 12-7-040(4) states:

Street patterns in the subdivision shall be in conformity with a master street plan for the most advantageous development of adjoining areas and the entire neighborhood or district. In the event a master plan does not exist, the subdivider shall prepare such a plan for review and approval by the Planning Commission and the City Council prior to consideration of a subdivision application.

One schematic plan for the area showed that an additional 7 lots are possible for effected abutting property owners.

A meeting was set between the 100 North Street property owners the State Street property owners to discuss the matter. However, three key State Street property owners were not in attendance and a complete recommendation could not be provided to the Planning Commission. Therefore, the Planning Commission approved a motion to recommend that the City Council approve alternative No. 1. The Planning Commission informed Mr. Brown that if his family or others choose to stub a street as set forth in alternative No. 2, that they (the Commission) were willing to consider a recommendation regarding this alternative after receiving input form the State Street property owners. At the very minimum, the Planning Commission felt that a greater attempt should be made to discuss the matter with State Street property owners. The Planning Commission had recommended several conditions be required if approved. Schematic plan #2 in the packet was the recommended plan.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

John Bradshaw (259 East 100 North) reported having had a lot of meetings with the developer, the citizens, and City staff. After a lot of discussion, there had been a compromise reached. He felt they had done a good job coming to an agreement. He commended the City Planner and the Mayor for their efforts and interest. Schematic plan # 2 in the packet was an acceptable plan. The developer was willing to site his home construction to decrease the impact on the adjacent property owners. Mr. Bradshaw thanked the City Planner for his hard work and the time he took informing the citizens about the intricacies of City ordinances. Mr. Bradshaw was surprised that more neighbors were not in attendance at the current meeting. He felt comfortable with the development as planned.

Richard Lindsley (250 South 1525 West) spoke on behalf of the Farmington Trails Committee. He raised the concern about access to the hillside. It would be especially important for emergency vehicles to be able to get through the area if there were a need. He asked that the City Council consider the importance of access to the Shoreline Trail. The area under consideration is one of the few ways to get onto the Shoreline trail.

Mr. Petersen said there had been some mishaps in getting trails identified in other developments in the past. The Planning Commission recommended the trail be staked before preliminary plat approval. The City Planner and City Manager would likely walk the staked trail. Mr. Petersen said it may be nice to take a member of the Trail Committee along.

Kim Dunn (1900 North 81 East, Centerville) said that on the 4th of December he gained approval for the development from the Planning Commission with strong recommendations to meet with citizens in the neighborhood. They had met 5 times and felt they had come to favorable agreements. The developer had decided to propose 6 lots. The neighborhood seemed to be behind the project at this point. Mr. Dunn expressed appreciation for the City Planner and the Planning Commission. Mr. Dunn also stated that there were plans for a foot trail through the subdivision. The vehicle access was through another route.

Public Hearing Closed

With no further forthcoming comments, **Mayor Connors** closed the public hearing and requested that the City Council consider the issues. He said he had been invited to attend the meetings mentioned. He had attended two of the meetings where citizens expressed their views. The compromise reached was a result of those discussions.

Max Forbush stated that schematic plan does not grant vesting. The schematic plan state of approval was instigated to give the developer a general idea of what will be acceptable. The next step is preliminary plat approval. After that there is final plat approval. There may be a public hearing at the option of the Planning Commission at the preliminary plat phase for consideration. Public meetings for final approval will be held by both the Planning Commission and City Council. They will not be public hearings

David Hale clarified that the City Council was being asked to consider a six-lot subdivision.

David Petersen affirmed that was the case and also stated that the City Council was being asked to grant a special exception to the 24-lot limitation on dead ends streets as regulated in City ordinance. The ordinance does allow for the special exception.

Mr. Young asked if there would be a problem with the zero lot line residences.

Mr. Petersen stated the zero lot line residences would be required to be owner occupied. The trail will go through the first two lots on the east side of the subdivision.

Rick Duston suggested that the January 14th letter from the Planning Commission be added to any motion made by the City Council. He asked for and received confirmation that there would be 6 building lots with 8 dwelling units, although two of the zero-lot-line twin dwellings would also necessitate the creation of a lot for each unit. It was suggested that David Petersen work with the attorney to come up with language that would exempt counting the twin home lots as two lots. Each would be counted as one.

Motion

Sid Young moved that the City Council approve the request from Kim Dunn for schematic plan #2 (as presented in the packet) for a subdivision containing 6 residential building lots with 8 dwellings. Even though the proposed attached single family “twin homes” comprise two building lots (i.e. zero lot line homes), for purposes of the dead-end street regulations administered by Farmington City, each twin home will be counted only as one “residential lot”. The proposed subdivision on 4.75 acres located at 275 East 100 North shall also be subject to the conditions as set forth by the Planning Commission in their letter of January 14, 2004, and subject to the addition of trail access to the foothills through the subdivision.. The motion also directed the City Planner to draft a special exception to the 24-lot ordinance restriction on the dead end street, allowing the Dunn Subdivision to increase the current lots on the street from 15 to 21. **Rick Dutson** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF A REQUEST FOR AN EXCEPTION TO DEAD END STREET LIMITATION STANDARDS FOR 100 NORTH STREET EAST OF 200 EAST STREET (Agenda Item #5)

Mayor Connors wanted to hear from the Brown family prior to City Council consideration of the agenda item. He asked that the Brown family be invited to attend a City Council meeting in the near future.

Motion

Larry Haugen moved that consideration of Agenda Item #5 be delayed to the City Council meeting to be held March 3, 2004. **Susan Holmes** seconded the motion, which passed by unanimous vote.

MILLER MEADOWS DEVELOPMENT AGREEMENT/SECOND READING (#6)

Mr. Petersen reported that the developer had requested the item be delayed until a future meeting.

KEN AND JACKIE HARDY REQUESTS/AGREEMENT (Agenda Item #7)

Mr. Forbush reported that he and the City Planning had been meeting with the Hardys to work out elements of an agreement that would enable them to dedicate the 47 foot right-of-way to the City in exchange for zoning and other considerations.

The other considerations at the present time requested by the Hardys in addition to zoning were as follows:

- The Hardys would like reimbursement of the \$4,090.00 previously paid to the City for a one-inch water connection and related water development impact fee for their house. The well at the house south of Glover's Lane had problems. Mr. Hardy ran his own one-inch service lateral connecting to the main line on Glover's Lane running south and into his house. City Policy required payment of \$4,090.00 for the connection fee and related impact fee.
- The Hardys would like to be able to use their property for other LM&B qualifying uses other than for their existing house and excavation business. The Hardys have available to them an additional 3 plus acres on vacant parcels adjacent to the road they intend to dedicate located south of their home. One potential use on the vacant property is an open ORV storage lot. Larry Gregory, the Fire chief, indicates that Mr. Hardy may be required to install a looping water line and lay down a 20 foot wide paved roadway to accommodate this use. These requirements will have to be investigated further.
- If the Hardys opt for the open storage lot and if they are required to pave the 20 foot roadway, they are also requesting that the City pay for the materials cost for the water line and the fire hydrant. They are also asking for the City to pay the paving costs. The estimated cost of this water line from Glover's Lane to their house is approximately \$12,000. The estimated cost of paving the 20 foot strip is approximately \$14,000. The Hardys would agree to provide the labor and the equipment to install the water line. The City Manager is requesting that if the water line is run, that he suggests that the water line be extended westward several hundred feet to connect to an existing water line presently serving two homes located to the southwest of the Hardy home. The materials cost of this extension would also be the responsibility of the City. Connecting the two lines together would provide looping.
- The Hardys are requesting that should another developer develop to the south or east the same should be required to install the full width road improvements. The City would be required to pay any connections and impact fees due on sanitary sewer or irrigation.

There is a definite benefit to the City in requiring the street right of way. It does help the City meet its long-term transportation planning needs of connecting this road with the future looping road planned by the Pack brothers. The questions pertaining to this proposal are:

- How much should rezoning count toward the value of acquiring the street dedication?
- What is truly a just negotiated settlement in addition to the rezoning?
- How certain is Chief Gregory about the requirements for the waterline and pavement requirements for an open storage facility?
- How much authorization for development by the Hardys should the City Council give, or should the Agreement be more restrictive? The Hardys definitely believe that they are giving away a lot in dedicating the road. They believe they ought to get something for the value of the road and for the value of moving their equipment from west State Street.

Motion

Susan Holmes moved that the City Council assign the issue to the Problems/Resolutions Committee, comprised of Council Members Sid Young and David Hale along with the City Manager and City Planner, to negotiate the final draft of the agreement and other provisions and to bring back a recommendation for the March 3, 2004, City Council meeting. **Rick Dutson** seconded the motion, which passed by unanimous vote. The meeting was set for Tuesday, February 24th at 5:30 P.M.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #9)

Susan Holmes moved to approve the following items by consent as follows:

- 9-1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
- 9-2. Approval of Bond Improvements Agreement for Buffalo Ranches Subdivision.
- 9-3. Approval of Tentative FY 04-05 Budget Review and Adoption Schedule.
- 9-4. Approval of March's *Newsletter*.
- 9-5. Approval of the disbursement list for the month of January 2004.

Larry Haugen seconded the motion, which passed by unanimous vote.

PROFESSIONAL SERVICES AGREEMENT WITH FRONTIER CORPORATION REGARDING THE DEVELOPMENT OF A “SPECIAL AREA MANAGEMENT PLAN” (SAMP) AND RELATED WETLAND ENVIRONMENTAL STUDIES PERTAINING TO UNDEVELOPED PROPERTIES ADJACENT TO THE PARK LANE (FORMERLY BURKE LANE)/U.S. 89 INTERCHANGE (Agenda Item #10)

The agenda item was presented by **Max Forbush**. A committee comprised of Susan Holmes, Sid Young, and City staff met with representatives of the Frontier Corporation earlier in the day. The City Manager recommended that the agreement enclosed in the packet be approved. The scope of work was organized into 3 phases. Phases 2 and 3 were not part of the current agreement because additional funding is needed to complete the phases. The first phase involved all initial scoping work among the affected stakeholders, regulatory agencies, and City officials to develop a working agreement and plan toward the development and implementation of a Special Area Management Plan (SAMP). Frontier will review the existing wetland delineation work that has been completed by the City and UDOT and identify any data gaps. Mr. Forbush briefly reviewed expectations and needed funding for the last two phases. The agreement only dealt with phase 1. Phases II and III would cost an additional \$60,000.

Motion

Susan Holmes moved that the City Council authorize the Mayor to sign the Professional Services Agreement with Frontier Corporation regarding the development of a “Special Area Management Plan” (SAMP) and related wetland environmental studies pertaining to undeveloped properties adjacent to the Park Lane (formerly Burke Lane)/ U.S. 89 Interchange subject to the review of the City Attorney. **Sid Young** seconded the motion, which passed by unanimous vote.

SEXUALLY ORIENTED BUSINESSES AND EMPLOYEE LICENSING ORDINANCE/DRAFT REVIEW (Agenda Item #11)

Mr. Forbush introduced the agenda item. A number of legal actions across the United States had required municipalities to set aside a certain amount of property for sexually oriented businesses. The redraft of the sexually oriented business (SOB) ordinance was the result of a request made by Council Member Johnson prior to his leaving office in December 2003. Mr. Johnson felt the redraft would be a stronger ordinance and more beneficial to the citizens of Farmington. It was recommended by the City Manager that a committee of two be appointed, along with ex-Council Member Johnson, the City Manager, City Planner, and City Attorney, to review strategies related to adopting an amended SOB ordinance.

Mr. Hale suggested that Salt Lake City was currently dealing with an SOB in that City. Their experiences should be watched by staff because it may influence the ordinance being considered by Farmington.

Mayor Connors stated that the current ordinance had been implemented to control SOBs in the City and not to invite such businesses to the Farmington.

Motion

Larry Haugen moved that the City Council assign the Council Development Review Committee comprised of Sid Young and Susan Holmes to study the redraft and bring a recommendation back to the Council. **David Hale** seconded the motion, which passed by unanimous vote.

ORDINANCE ENACTING CHAPTER 3 OF TITLE 9 OF THE CITY CODE PERTAINING TO MANDATORY CONNECTIONS TO SECONDARY WATER SYSTEMS ON NEW CONSTRUCTION AND DEVELOPMENT (Agenda Item #12)

Mr. Forbush reported that information regarding Chapter 3 of Title 9 of the City Code pertaining to mandatory connections to secondary water systems on new construction and development had been sent to the Weber Basin Water Conservancy District and the Farmington Area Pressurized Irrigation District for comment. The proposed ordinance had also been distributed to the Public Works Department and to the City Planning office for comment. The ordinance had been drafted by the City Attorney with basic information provided to him by the City Manager. FAPID saw no problems with the draft. Weber Basin had not had a chance to look at the draft as of the City Council meeting time. There had been some concern about the updating of the master plan of systems on an annual basis. Mr. Forbush stated that there was an appeal process included in the ordinance.

Motion

Susan Holmes moved that the City Council approve Ordinance No. 2004-12, an ordinance enacting Chapter 3 of Title 9 of the Farmington City Municipal Code pertaining to secondary water systems within Farmington City. **Rick Dutson** seconded the motion, which passed by unanimous vote.

FLOOD MITIGATION PRIORITY PROJECT REVIEW AND DISCUSSION/MAX FORBUSH, PAUL HIRST AND WALT HOKANSON (Agenda Item #8)

Mr. Forbush discussed the priority list and other materials prepared by the City Finance Director, Keith Johnson and the City Engineer, Paul Hirst. The purpose of the proposal was to consider the funding of flood mitigation projects. The projects were attempts to create flood flow paths through particularly vulnerable areas. Mr. Forbush stated it would be impractical for the City to build piping large enough to handle the kind of storm that happened on July 9th of 2001. He suggested that the City Council consider a review of suggested projects proposed by the City Engineer and City staff, bid the projects that seemed acceptable to learn exactly how much each

project would cost, and then make a final decision on which projects were fundable at the first City Council meeting in April.

Paul Hirst began discussion of the proposed storm drain modifications summary by saying that he had included a contingency amount of 15% for all projects. Mr. Hirst detailed the projects for each of the areas under consideration in order of priority. The areas included in the proposal were North Compton, Moon Circle, 1470 South, Bennet Circle, 1400 North, Fieldstone, 830 South, 1100 North Main, and 400 North Main at 100 East. The entire subtotals estimate came to just over \$1,000,000.00.

Motion

David Hale moved that the City Council authorize the City Engineer to immediately proceed with the design on the projects and to bid the same out for award at the first meeting in April. **Rick Dutson** seconded the motion, which passed by unanimous vote.

By consensus the City directed the Council's Capital Improvements Committee, comprised of Rick Dutson and Larry Haugen, to participate in land acquisition negotiations for the flood mitigation projects.

By consensus, the City Council approved the list projects in order of priority as contained in the packet.

HUMAN SERVICES VOLUNTEER COORDINATOR/NEED TO REFINE JOB DESCRIPTION (Agenda Item #13)

Mr. Forbush reviewed the job description for the Human Services Volunteer Coordinator drafted for the *Newsletter*. It was recommended by the City Manager that a City Council committee of two be assigned to evaluate the job description and make further recommendations for Council approval at the next meeting.

Motion

Larry Haugen moved that the City Council assign the City Council Personnel Committee, comprised of David Hale and Sid Young, to further refine the job description for the Human Services Volunteer Coordinator. **Susan Holmes** seconded the motion, which passed by unanimous vote.

PROGRESS REPORT ON S.I.D. 2003-01 (Agenda Item #14)

Mr. Forbush stated that the new decorative lights previously approved as part of the recent S.I.D. are being installed. The decorative fences at Oakridge adjacent to 1525 West along with curb and gutter have been installed. The waterway issue at the site will be resolved in the spring. Mr.

Forbush directed the City Council's attention to the pictures in the packet which showed different areas of progress. The area at 475 South at about 1100 West was under construction. Notification had been sent to interested parties regarding a meeting on February 24th at 7 P.M. Regarding the road work on 475 South. The water and sewer line to be installed in Glovers Lane 650 going west to the railroad tracks and projects on 450 South will be started in the spring. All projects should be completed by early summer. Hopefully, citizens should receive their preliminary assessments in late summer.

FUTURE MEETINGS AND EVENTS (Agenda Item #15)

The following meetings were discussed:

- Open House and agenda for the ribbon cutting at the Community Center on Friday, March 5. Susan Holmes suggested a list of citizens that should receive a special invitation.
- Emergency Preparedness Training/Tabletop Exercise on Saturday, March 6, 8:30 to noon in the City Chambers.
- Emergency Preparedness Fair at the junior high school on March 20th at 9 A.M.

MISCELLANEOUS

- Mr. Dutson inquired regarding the installation of a four-way stop at 1075 West Shepard Lane. He felt with the weather improving, the installation could possibly be moved ahead. Mr. Forbush stated Public Works had been asked about the timing of the 4-way stop and associated projects. The spring was still the best time for the installation. However, Mr. Forbush agreed to convey the Council's urgency in getting the 4-way stop installed.
- Ms. Holmes reported vehicles being placed on the parking strip by the stop signs for sale on the corner of 650 West and State Street. Mr. Forbush stated he would investigate.
- Mr. Young briefly discussed the SOB ordinance and asked if there were similar restrictions for magazines, etc., at grocery stores. Mr. Forbush stated that Mr. Johnson, former City Council member, had done work on the issues. He suggested having the committee evaluate the SOB ordinance and also consider a formal resolution encouraging store owners to keep adult magazines out of the sight of children.
- Mayor Connors reported that turn out to the open house regarding transit in Davis County had been well attended. He also stated that because a member of the State CDBG staff had written a letter to COG pointing out that their rating and ranking system had not complied with their own rules, Farmington had been allocated \$70,000 in grant funding pending a full

application.

- The Mayor distributed a site plan of the large soccer field complex being constructed on the border of Salt Lake and Davis counties. Salt Lake County had asked for a contribution for the COG of Davis County towards the construction of the field.
- Mayor Connors reported that COG had suggested 45 percent of the RAP tax revenues be used for cultural arts organizations within the County. He stated that the issue will probably be on the ballot next November. The rap tax is one tenth of one percent on sales tax increase.
- The Davis County Behavior Health Department will be holding a charity auction in May in Farmington's new Community Center.
- Mr. Forbush discussed park impact fee status. In 2003, the City Council had authorized a line of credit up to \$475,000 to cover possible overrun costs associated with building the Community Center and park renovations. Mr. Forbush was pleased to report that the full amount of the credit line would not have to be used. The reports as presented in the packet indicated that the amount could be reduced to \$175,000. The report included impact fee amounts from new developments, which Mr. Forbush estimated would come in by June 30th of 2004. He said, however, that there may be some additional revisions. Not included in the current budget was finishing the trail tunnel under State Road 106 at 6th North, the paving of the trail to the Farmington Pond Road, or the installation of the fence around Joe Judd's property. Mr. Forbush said that as the revisions are made in the park impact fee estimates, he would bring the information back to the City Council for their consideration and approval.
- Mr. Forbush discussed a letter from Viola Kenney, Leisure Services Director, who, after researching options, recommended that the City switch from using Coca-Cola products at the swimming pool concession stand in favor of Pepsi products. The Pepsi company had offered incentives and was a less expensive. The Leisure Services Advisory board also recommended the switch for the period of one year, at which time the City could evaluate pricing, customer service, etc.

Motion

Susan Holmes moved that the City Council approve the recommendation as proposed by the Leisure Services Director and Advisory Board. **Rick Dutson** seconded the motion, which passed by unanimous vote.

- The Leisure Services Director reported that during the past few years the Davis County Choral has practiced free of charge at the City Hall utilizing the Council Chambers, often preempting other functions. As of April 1, the City Hall will not be available to the Choral

and other such groups. The Choral has opted to practice at the new Community Center, assuming the use would also be free of charge. When the issue was discussed by the Leisure Services Advisory Board, they made the recommendation that since the Choral was not a City sponsored program, they should be charged the nonprofit rate for use of the facility. After discussing the issues, by consensus the City Council supported the Leisure Services Advisory Board in their recommendation to charge the Choral for the use of the Community Center. Otherwise, the fee policy for the use of the building would have to be amended.

ADJOURNMENT INTO CLOSED SESSION

Rick Dutson moved that the City Council adjourn into closed session to discuss strategy as it pertains to pending litigation and to discuss the acquisition of real property at 9:30 P.M. **Larry Haugen** seconded the motion, which passed by unanimous vote.

At 9:55 a motion to go back into open session was made by **Susan Holmes** and seconded by **David Hale**. The voting was unanimous in favor.

Susan Holmes recommended to Council Members to attend the Utah League of Cities & Towns Mid-Year Convention in St. George on April 15-16.

Rick Dutson reported that Mike Heining will be the Chair of the Festival Days this year with Tammy Boyce and Rick Dutson as advisors. He also stated that Dr. Packer and his associates will be the primary sponsor for the concert for Festival Days. Jericho Road will be the performers for the concert.

ADJOURNMENT

A motion to adjourn was then made by **David Hale** with a second by **Larry Haugen**. The motion passed by a unanimous vote and the meeting was adjourned at 10:00 p.m.

Margy Lomax, City Recorder
Farmington City